

REMARKS

Claims 1-17 and 20-60 are pending, with claims 1, 33, 35, 37, 38, 40, 46, 47, and 58 being independent. Applicants have amended claims 1, 33, 35, 37, 38, 40, 46, 47, and 58. The Examiner has withdrawn claims 3, 5-7, 9-10, 13-16, 25-30, 36, 39, and 42. Support for the amendments can be found in the specification as filed at, for example, page 7, line 5 to page 8, line 29 and FIGS. 2-7. Applicants request that the double patenting rejections be held in abeyance until the claims are otherwise held allowable.

Applicants wish to thank the Examiner for the acknowledgement via telephone of the pending amendment/petition to correct inventorship in the instant application. As discussed with the Examiner on November 18, 2009, Applicants filed an Amendment to Correct Inventorship on July 18, 2005 to amend the application to add Mark Markel and Ryland B. Edwards III as inventors. In support of Applicants' amendment, Applicants submitted a Statement of Lack of Deceptive Intention, a new Declaration executed by the currently-named inventors, and an Assent of the Assignee and Certificate under 37 C.F.R. § 3.73(b). Applicants respectfully request acknowledgement and amendment of the application in accordance with the previously-filed Amendment and supporting documents.

The Examiner objected to the drawings under 37 CFR 1.83(a), and claims 1, 2, 4, 8, 11, 12, 17, 20-24, 31-35, 37, 38, 40, 41, 43-46, and 50-57 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. While not conceding the propriety of the Examiner's objections and rejections, Applicants submit the foregoing amendments render these objections and rejections moot. Applicants respectfully request reconsideration and withdrawal of these objections and rejections.

The Examiner further rejected claims 1, 8, 11, 12, 17, 20-23, 31, 33-35, 37, 38, 40, 41, 43-47, 49, 51, 53, 55, 57, 58, and 60 as anticipated by U.S. Patent 6,068,629 to Haissaguerre et al. (Haissaguerre). Applicants respectfully traverse these rejections in view of the foregoing amendments.

Independent claims 1, 33, 35, 37, 38, 40, 46, 47, and 58, as amended, recite a flexible portion, flexible member, or pivoting means that is arranged such that, in a relaxed state, the

transverse axis defined by the flexible portion, flexible member, or pivoting means is offset from the longitudinal axis of the shaft by a distance D.

Haissaguerre fails to disclose or suggest the combination of the shaft, flexible portion, and head as claimed in amended claims 1, 33, 35, 37, 38, 40, 46, 47, and 58. Rather, Haissaguerre discloses support arms 142, 144 and actuation wire or mandrel 154 (which the Examiner equates with the claimed flexible portion), none of which define an axis that is transverse to the longitudinal axis of the shaft. Moreover, Haissaguerre fails to disclose or suggest that the support arms 142, 144 or the mandrel 154, or portions thereof, which the Examiner equates to the claimed flexible portion, flexible member, or pivoting means, are arranged such that, in a relaxed state, the transverse axis is offset from the longitudinal axis of the shaft by a distance. To the contrary, the slot of Fig. 13c, which the Examiner apparently equates to the claimed transverse axis, is not offset by any distance whatsoever from the longitudinal axis of the alleged shaft 28. For at least these reasons, claims 1, 8, 11, 12, 17, 20-23, 31, 33-35, 37, 38, 40, 41, 43-47, 49, 51, 53, 55, 57, 58, and 60 are patentable over Haissaguerre.

The Examiner rejected claims 2, 4, 48, 50, 52, 54, 56 and 59, each of which depend from one of the independent claims discussed above, as obvious over Haissaguerre. For at least the same reasons discussed above with respect to the independent claims, applicants submit that dependent claims 2, 4, 48, 50, 52, 54, 56, and 59 are patentable over Haissaguerre.

The Examiner further rejected claim 24, which ultimately depends from claim 1, as obvious over Haissaguerre in view of US Patent No. 6,290,699 to Hall, and claim 32, which depends from claim 1, as obvious over Haissaguerre in view of US Patent No. 5,125,928 to Parins. For at least the reasons discussed above with respect to independent claim 1, and because neither Hall nor Parins overcomes the deficiencies in Haissaguerre discussed above, applicants submit that claim 24 is patentable over Haissaguerre in view of Hall, and claim 32 is patentable over Haissaguerre in view of Parins.

For at least the reasons discussed above, applicants respectfully request reconsideration and withdrawal of the rejections, and submit that all claims are in condition for allowance.

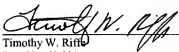
Applicants do not acquiesce in the Examiner's characterizations of the art. For brevity and to advance prosecution, applicants may not have addressed all characterizations of the art

and reserve the right to do so in further prosecution of this or a subsequent application. The absence of an explicit response by applicants to any of the Examiner's positions does not constitute a concession of the Examiner's positions. The fact that applicants' comments have focused on particular arguments does not constitute a concession that there are not other arguments for patentability of the claims. Applicants submit that all of the dependent claims are patentable for at least the reasons given with respect to the claims on which they depend.

The fee for the Request for Continued Examination is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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